

1 Jonathan A. Dessaulles, State Bar No. 019439  
Douglas C. Wigley, State Bar No. 027223  
2 Ashley C. Hill, State Bar No. 032483  
**DESSAULES LAW GROUP**  
3 5353 North 16<sup>th</sup> Street, Suite 110  
Phoenix, Arizona 85016  
4 Tel. 602.274.5400  
Fax 602.274.5401  
5 [jdessaules@dessauleslaw.com](mailto:jdessaules@dessauleslaw.com)  
[dwigley@dessauleslaw.com](mailto:dwigley@dessauleslaw.com)  
6 [ahill@dessauleslaw.com](mailto:ahill@dessauleslaw.com)

7 *Attorneys for Plaintiff*

8 IN THE SUPERIOR COURT OF ARIZONA  
9 COUNTY OF MARICOPA

10 PATRICIA BOCCHINO,

11 Plaintiff,

Case No. CV2015-012434

12 vs.

**RESPONSE TO MOTION FOR  
HEARING TO SET SUPERSEDEAS  
BOND**

13 FOUNTAIN SHADOWS HOMEOWNERS  
ASSOCIATION,

14 Defendant.

15  
16 Plaintiff does not oppose Defendant's request for a hearing to set the amount of the  
17 supersedeas bond, but files this response to observe that the bond amount should be inclusive of  
18 the total judgment awarded in order to preserve the status quo pending appeal. *Salt River Sand*  
19 *and Rock Company v. Dunevant*, 222 Ariz. 102, 108, 213 P.2d 251, 257 (App. 2009). "The bond  
20 amount should protect the status quo at the time of judgment because '[a] judgment creditor's  
21 right to secure his money judgment during the appeal process is no less important than the  
22 judgment debtor's right to be free from execution while exercising his appellate rights." *Id.* at  
23 109, 213 P.2d at 258 (quoting *Bruce Church, Inc. v. Superior Court*, 160 Ariz. 514, 517, 774  
24 P.2d 818, 821 (App. 1989)). Given Defendant's ongoing generation of monthly revenue as well  
25 as its ability to increase its revenue through an increase in regular assessments or special  
26 assessments, there should be no reason to decrease the bond amount.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

DATED this 10th day of November 2016.

DESSAULES LAW GROUP

By: /s/ Jonathan A. Dessauls  
Jonathan A. Dessauls  
Douglas C. Wigley  
Ashley C. Hill  
*Attorneys for Plaintiff*

COPY of the foregoing mailed  
and emailed this 10<sup>th</sup> day of November to:

Chad P. Miesen  
CARPENTER HAZLEWOOD, DELGADO & BOLEN, PC  
1400 E. Southern Avenue, Suite 400  
Tempe, AZ 85282

/s/ Jenna Pitchel